

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

MARCIAL TORRES,

Plaintiff,

v.

**U.S. BANK NATIONAL ASSOCIATION
AS TRUSTEE FOR CREDIT SUISSE
FIRST BOSTON MORTGAGE
SECURITIES CORP., HOME EQUITY
ASSET TRUST 2005-6, HOME EQUITY
PASS-THROUGH CERTIFICATE SERIES
2005-6, *et al.*,**

Defendants.

Civil Action No. 1:13-cv-01455-CMH-JFA

MOTION TO DISMISS COMPLAINT BY DEFENDANT, SAMUEL I. WHITE, P.C.

COMES NOW the Defendant, Samuel I. White, P.C., by counsel, to submit its Motion to Dismiss Complaint and moves this Court to dismiss Plaintiff's Complaint, pursuant to Rule 12(b)(6) of the *Federal Rules of Civil Procedure*, for the reasons more fully set forth in the accompanying Memorandum of Law in Support of Motion to Dismiss Complaint.

WHEREFORE, the Defendant, Samuel I. White, P.C., respectfully requests that the Court dismiss the Complaint with prejudice as to Samuel I. White, P.C. for failing to state a cause of action upon which relief can be granted and asks that the Court award it such other relief that the Court deems appropriate.

Pursuant to the Local Rule 7 (k) for the United States District Court Eastern District of Virginia, the following notice is given:

- (1) The *pro se* party is entitled to file a response opposing the motion and that any such response must be filed within twenty-one (21) days of the date on which the dispositive or partially dispositive motion is filed; and
- (2) The Court could dismiss the action on the basis of the moving party's papers if the *pro se* party does not file a response; and

(3) The *pro se* party must identify all facts stated by the moving party with which the *pro se* party disagrees and must set forth the *pro se* party's version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and
(4) The *pro se* party is also entitled to file a legal brief in opposition to the one filed by the moving party.

Dated: December 6, 2013

Respectfully Submitted,

SAMUEL I. WHITE, P.C.

/s/ Kimberly E. Hartin

Kimberly E. Hartin, Esq. (VSB# 78476)

SAMUEL I. WHITE, P.C.

5040 Corporate Woods Drive, Suite 120

Virginia Beach, Virginia 23462

(757) 457-1480 (Office)

(757) 497-2802 (Facsimile)

khartin@siwpc.com (Email)

Counsel for Defendant, Samuel I. White, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of December, 2013, I have electronic filed the foregoing with the Clerk of Court using CM/ECF system, which will then send a notification of such file (NEF) to counsel for Defendants, and I have mailed the foregoing by U.S. mail, postage prepaid to Plaintiff, at the following address:

Amy S. Owen, Esq.
Nicholas V. Cumings, Esq.
Cochran & Owen, LLC
8000 Towers Crescent Drive, Suite 160
Vienna, Virginia 22182
*Counsel for U.S. Bank National Association As
Trustee For Credit Suisse First Boston
Mortgage Securities Corp., Home Equity Asset
Trust 2005-6, Home Equity Pass-Through
Certificate Series 2005-6 and Mortgage
Electronic Registration Systems, Inc.*

Marcial Torres
12652 Heron Ridge Drive
Fairfax, VA 22030
Pro se Plaintiff

/s/ Kimberly E. Hartin

Kimberly E. Hartin (VSB# 78476)

SAMUEL I. WHITE, P.C.

5040 Corporate Woods Drive, Suite 120

Virginia Beach, Virginia 23462

(757) 457-1480 (Office)

(757) 497-2802 (Facsimile)

khartin@siwpc.com (Email)

Counsel for Defendant, Samuel I. White, P.C.